

UNITED STATES DISTRICT COURT

for the
Western District of Oklahoma

In the Matter of the Search of

*(Briefly describe the property to be searched
or identify the person by name and address)*Mrs. Shaquera Denae Cunningham and her residence:
3011 E. Gore Blvd., Apt 121, Lawton, OK 73501

Case No. 20-MJ-27STE

APPLICATION FOR A SEARCH WARRANT

I, a federal law enforcement officer or an attorney for the government, request a search warrant and state under penalty of perjury that I have reason to believe that on the following person or property *(identify the person or describe the property to be searched and give its location)*:
the person of Mrs. Shaquera Denae Cunningham and her residence: 3011 E. Gore Blvd., Apt 121, Lawton, OK 73501

located in the Western District of Oklahoma, there is now concealed *(identify the person or describe the property to be seized)*:

any brown in color purse with side flaps and a middle pocket owned by Mrs. Shaquera D. Cunningham to be searched by CID agents and laboratory personnel for traces of DNA.

The basis for the search under Fed. R. Crim. P. 41(c) is *(check one or more)*:

- ☒ evidence of a crime;
☐ contraband, fruits of crime, or other items illegally possessed;
☐ property designed for use, intended for use, or used in committing a crime;
☐ a person to be arrested or a person who is unlawfully restrained.

The search is related to a violation of:

Code Section
18 U.S.C. § 2241

Aggravated Sexual Abuse

Offense Description

The application is based on these facts:
See Continuation Sheet.

- ☒ Continued on the attached sheet.
☐ Delayed notice of days (give exact ending date if more than 30 days:) is requested under 18 U.S.C. § 3103a, the basis of which is set forth on the attached sheet.

Applicant's signature

Adam L. Mathis, Special Agent

Printed name and title

Sworn to before me and signed in my presence.

Date:

1/17/2020

City and state:

OKLAHOMA CITY, OK

Judge's signature

Shon T. Erwin, U.S. Magistrate Judge

Printed name and title

20-MJ-27STE

AFFIDAVIT IN SUPPORT OF
AN APPLICATION FOR A SEARCH WARRANT

I, Adam L. Mathis, a Special Agent (SA) with the United States Army Criminal Investigation Division (CID), being duly sworn, depose and state as follows:

INTRODUCTION

1. I have been employed as a Special Agent of the U.S. Army CID since July 2016, and am currently assigned as a Special Agent to the Fort Sill CID Office. While employed by the U.S. Army, I have investigated federal criminal violations related that involve the use of technology. I have gained experience through training at the U.S. Army Military Police School (USAMPS) and everyday work relating to conducting these types of investigations. I have received training in the area of child pornography. I attended the Child Abuse Prevention Investigative Techniques (CAPIT) course with the U.S. Army, which focused on investigating cases with child victims. Moreover, I am a federal law enforcement officer who is engaged in enforcing the criminal laws, and I am authorized by the Attorney General to request a search warrant.

2. This affidavit is submitted in support of an application to search the person of Mrs. Shaquera Denae Cunningham and her residence 3011 E. Gore Blvd., Apt 121, Lawton, OK 73501, to locate a brown in color purse with side flaps and a middle pocket. This item is believed to have evidence that Mrs. Cunningham violated 18 USC 2241: Aggravated Sexual Abuse.

3. The statements in this affidavit are based on my investigation, the investigation of other CID agents of this matter, and the training and experience of myself and other agents.

20-MJ-27STE

Since this affidavit is being submitted for the limited purpose of securing a search warrant, I have not included each and every fact known to me concerning this investigation. I have set forth only the facts that I believe are necessary to establish probable cause that evidence of a violation of 18 USC 2241 exists on Mrs. Cunningham's person and in her residence.

STATUTORY AUTHORITY

4. As noted above, this investigation concerns an alleged violation 18 USC 2241, specifically 18 USC 2241(a)(1). The statute reads in part:

(a) Whoever, in the special maritime and territorial jurisdiction of the United States or in a Federal prison, or in any prison, institution, or facility in which persons are held in custody by direction of or pursuant to a contract or agreement with the head of any Federal department or agency, knowingly causes another person to engage in a sexual act—

(1) By using force against that other person; or

(2) by threatening or placing that other person in fear that any person will be subjected to death, serious bodily injury, or kidnapping; or attempts to do so, shall be fined under this title, imprisoned for any term of years or life, or both.

LOCATION TO BE SEARCHED AND THINGS TO BE SEIZED

5. I anticipate searching the person of Ms. Cunningham and her residence, 3011 E. Gore Blvd., Apt 121, Lawton, OK 73501, for a brown in color purse.

20-MJ-27STE

6. Items such as purses are often located in the residence of the person to which they belong, usually while the purse is not in use. These items are frequently found on the person to which they belong when in use.

7. An open source search showed 3011 E. Gore Blvd., Apt 121, Lawton, OK 73501 to be an apartment complex located south of East Gore Boulevard and to the east of SE Flower Mound Road. The apartment complex is name the Stone Ridge Apartments. Stone Ridge Apartments consists of multiple buildings. Stone Ridge Apartment buildings appear to be assigned letters as designations and each building is subdivided into living areas designated by numbers. Apartment 121 is located on the north end of the ground floor of Building D. Building D is located on the northeast side of the Stone Ridge Apartments complex. Building D is a two-story structure, white and brown in color. See Attachment A.

JURISDICTION

8. This Court has jurisdiction to issue the requested warrant because it is “a court of competent jurisdiction” as defined by 18 U.S.C. § 2711(3). 18 U.S.C. §§ 2703(a), (b)(1)(A) & (c)(1)(A). Specifically, this Court is a “district court of the United States (including a magistrate judge of such court)” that “has jurisdiction over the offense being investigated.” 18 U.S.C. § 2711(3)(A)(i).

DNA EVIDENCE

9. I consulted with SA Scott Roeske, currently a team chief in the Fort Sill CID office. SA Roeske formerly served as a Forensic Science Officer for our organization. SA Roeske provided me with the following information about DNA evidence. Deoxyribonucleic

20-MJ-27STE

acid (DNA) is the hereditary material in humans. Nearly every cell in a person's body has the same DNA. Most DNA is located in the cell nucleus. The information in DNA is stored as a code made up of four chemical bases: adenine (A), guanine (G), cytosine (C), and thymine (T).

Human DNA consists of about 3 billion bases, and more than 99 percent of those bases are the same in all people. The order, or sequence, of these bases determines the information available for building and maintaining an organism, similar to the way in which letters of the alphabet appear in a certain order to form words and sentences. DNA bases pair up with each other, A with T and C with G, to form units called base pairs. Each base is also attached to a sugar molecule and a phosphate molecule. Together, a base, sugar, and phosphate are called a nucleotide. Nucleotides are arranged in two long strands that form a spiral called a double helix.

The structure of the double helix is somewhat like a ladder, with the base pairs forming the ladder's rungs and the sugar and phosphate molecules forming the vertical sidepieces of the ladder. In human cells, DNA is tightly wrapped into 23 pairs of chromosomes. One member of each chromosomal pair comes from your mother, and the other comes from your father. In other words an individual's DNA is a combination of their mother and father DNA, which makes each individual DNA unique to them (exception is identical twin). An individual sheds about 400,000 cells per day. Simply touching something can leave DNA, also known as "Touch DNA". Factors such as pressure and friction can determine how much DNA is transferred onto a touched object. An increase in the amount of pressure applied tends to lead to an increase in the amount of DNA transferred and the application of friction to the contact increases the amount of DNA transferred even further. Knowing an individual's DNA is unique to them and DNA can be transferred from

20-MJ-27STE

person to person and an increase in the amount of pressure and friction applied tends to lead to an increase in the amount of DNA transferred.

10. Dr. Edmund Locard (1877-1966) developed "Locard's Exchange Principal" which is recognized by the Forensic Science Community as valid. Locard's Principal states "the perpetrator of a crime will bring something into the crime scene and leave with something from it, and that both can be used as forensic evidence".

11. Forensic Science is a multidisciplinary science which helps in crime investigation. DNA transfer can occur when a suspect comes in contact with the crime scene, there is a transfer of evidence from the crime scene to the suspect and vice traces of his DNA on the surface which he comes in contact with. This DNA is referred to as touch DNA and can help in identification of the suspect involved in the crime. In crimes where identification of the suspect has proven to be an effective investigative tool. The present work throws light on the importance of touch DNA in criminal detection.

PROBABLE CAUSE

12. On Jan. 13, 2020, our office was notified by Sergeant 1st Class Courtney Johnson, Sexual Assault Response Coordinator, Fort Sill, OK, that Specialist (SPC) Taneszia Kyerin Young, a Solider with the 75th Field Artillery Brigade garrisoned at Fort Sill, OK, reported she was raped.

13. I interviewed SPC Young on Jan. 13, 2020. SPC Young told me Corporal (CPL) Timothy L. Isaac Jr. penetrated her with his penis on Jan. 1, 2020 while she was restrained by Mrs. Cunningham.

20-MJ-27STE

14. SPC Young further stated that Mrs. Cunningham visited SPC Young's residence, 1162B Lester Road, Fort Sill, OK 73503, on Dec. 31, 2019. Mrs. Cunningham and SPC Young went into Lawton, OK, to drink and meet CPL Isaac. SPC Young stated the three of them eventually went to Red Dirt Reloaded Bar and Grill, 6425 NW Cache Rd, Lawton, OK 73505. SPC Young indicated she consumed multiple alcoholic beverages here, paid for by Mrs. Cunningham. SPC Young, Mrs. Cunningham, and CPL Isaac left the establishment and went to SPC Young's residence, identified above.

15. SPC Young stated at her residence, they continued to consume alcohol and Mrs. Cunningham and CPL Isaac asked her multiple times to engage in three-way sex acts. SPC Young refused to do this. SPC Young stated she received electronic messages on her phone from Mrs. Cunningham about participating in a three-way sex act during this time. SPC Young stated she eventually asked them to leave the residence. SPC Young stated Mrs. Cunningham grabbed her and eventually pinned her to the floor by kneeling on top of her. CPL Isaac then removed some of SPC Young's clothing and penetrated her with his penis. SPC Young stated CPL Isaac ejaculated inside of her.

16. SPC Young stated at some point after Mrs. Cunningham and CPL Isaac released her, she looked for her cellular phone. SPC Young stated she eventually located her cellular phone inside of Mrs. Cunningham's purse. In a later interview, SPC Young described the purse as tan in color, but could not identify the manufacturer's make.

17. Through her legal counsel, SPC Young stated she has not touched Mrs. Cunningham's purse outside of this incident.

20-MJ-27STE

18. Mrs. Cunningham is currently married to a Soldier in the U.S. Army Reserve and as such, personal information pertaining to her is stored in the Department of Defense's Person Search, a database that stores information about servicemembers and civilians associated with the military. The page associated with Mrs. Cunningham listed her address as 3011 E. Gore Blvd., Apartment 121, Lawton, OK 73501.

CONCLUSION

19. Based on the facts as set forth in this affidavit, I posit there is probable cause to believe Mrs. Cunningham violated 18 USC 2241 and that evidence of this crime is located on Mrs. Cunningham's brown purse, which is located either on her person or at 3011 E. Gore Blvd., Apt 121, Lawton, OK. Specifically, I posit her purse contains traces of SPC Young's DNA which would corroborate her account of being raped.



Adam L. Mathis
Special Agent
U.S. Army Criminal Investigation Division

Subscribed to and sworn before me this 17th day of JAN, 2020.



HONORABLE SHON T. ERWIN
UNITED STATES MAGISTRATE JUDGE